

Before the  
Federal Communications Commission

Washington, D.C. 20554

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In the Matter of ) WT Docket No. 98-143  
1998 Biennial Regulatory Review ) RM-9148  
Amendment of Part 97 of the Commission's ) RM-9150  
Amateur Service Rules. ) RM-9196  
)

To: Federal Communications Commission:

COMMENTS OF:

I; William Reid, P. O. Box 6668, Great Falls MT 59406; file these comments on November 22, 1998 in the FCC's Notice of Proposed Rulemaking, WT Docket No. 98-143. I am currently a licensed Amateur Radio Operator holding Technician Plus Class License.

The proposal by the Federal Communications Commission (FCC) appears to have several errors or mistakes between the discussion portion and the proposed rule changes. One of the apparent discrepancies is in the area of the Morse Code requirement. The discussion portion talks about a possible reduction in the speed requirement but the proposed rules drop the 5 word per minute requirement but do not reduce the 13 word per minute speed thus making the 13 word per minute the lowest speed.

The current holders of the Novice Class are left without any clear information on their status and operating privileges. They can apparently renew indefinitely but in a unsure status. Depending on how and where one reads the discussion and the proposed rules the Novice operator could have expanded Morse Code privileges that exceed the General and Advanced Class operators.

Another major discrepancy is the status of the current Technician Plus Class. Apparently renewals would be treated as Technician Class but there is no information as to whether the High Frequency (HF) privileges would be retained or the status of the credit for the Morse Code or the written elements that the operator has previously passed. Historically once the license has been issued credit has been permanent for those elements that were passed for that license. Since the Technician Plus was created to allow access to the HF bands to eliminate the license in this manner is a step backwards. If the HF privileges are retained there is no official documentation to show who has the additional privileges. Since there is no record in the FCC database it appears that the privileges are granted from the Volunteer Examiner Coordinator (VEC) rather than the FCC.

The discussion states that the Technician Plus Class operates primarily in the VHF and UHF bands using FM voice and packet digital modes. This statement ignores the information that the bottom of the sunspot cycle has just recently passed and that the

10 meter band propagation is very heavily dependent on the sunspot cycle. Also, the 15 meter band is not much different and the 40 meter band has interference problems from the short-wave broadcasters. If all the operating that the Technician Plus operator does is FM and digital in the VHF and UHF bands why did they study and pass the Morse Code examination. There is no data given to support the assertion by the FCC.

One of the areas that the NPRM addressed was the current number of license classes that are in existence for the Amateur Radio Service. The six classes of licenses are excessive, since a number of the license classes do not represent a substantial difference in either operating privileges or requirements. The desire stated in the NPRM to reduce and consolidate the number of license classes is a reasonable goal to reduce the number, overlapping privileges, requirements and administrative burden. The Novice and Technician Plus operators that have passed a Morse Code examination should be reassigned into the General Class License as they meet the current international requirement for the Morse Code. Those Technician Class operators that have not passed any Morse Code examination should still retain all privileges in the bands above 30 MHz, as they now have. By combining and consolidating the four lower license classes into two, one with VHF and UHF operating privileges and the other corresponding to the current General Class, and retaining the Advanced and Extra Classes would reduce the six license classes to four. This would reduce the overlap in the requirements and operating privileges

and reduce the administrative burden imposed by maintaining the information required for the six classes of licenses. In consolidating the license structure there should not be any reduction in the operating privileges of any current license holder. The result that this would accomplish is very close to the proposal submitted by the American Radio Relay League (ARRL) which represents a good compromise to simplify the license structure. By formally eliminating the license classes that are no longer current the administrative burden will be reduced. If the obsolete license classes are retained, even without issuing new licenses, the administrative burden of maintaining the databases will continue for many years. If new licenses are issued reflecting the proper and current class of license the obsolete licenses will be eliminated from the system and the administrative burdens will reduce and cease when all of the obsolete licenses are reissued.

With the small number of individuals applying for the Novice Class License it is quite apparent that this class is no longer the primary method of entry into the Amateur Radio Service. With this small number of licenses issued it makes very little sense to continue this class of license. Since the current Novice Class operator has passed a Morse Code examination there is no logical reason that these individuals can not be reassigned into the General Class license. With the elimination of the Novice Class there is no reason to retain the restrictions that currently exist for the Novice Class sub-bands. If the Novice Class license

holders are granted additional privileges without a corresponding increase in the privileges of the Technician Plus privileges there will be the problem of a lower class of license having more privileges than higher class of license. Since this would present a potential problem and with the stated desire to reduce the number of license classes, this is another reason for both the Novice Class and the Technician Plus Class license operators should be reclassified as General Class license operators.

Another area that was addressed was expansion of the Volunteer Examiner Program. Under the current program a relatively small number of individuals actually administer the examinations. In many areas this results in the same small group giving the examinations time after time, which can result in "burnout" of these people. By expanding the number of people that are able to give the examinations the "burnout" factor can be reduced and the number of examinations might possibly be increased. If it structured so that those giving the examination test only those elements that they have received credit for there should not be a problem.

An additional area of concern is the enforcement of rules and regulations. This has been a historical and inherent function of the government and its agencies. One of the primary reasons for this procedure is so that individual feelings and personalities are not involved and that it is a genuine violation that is being pursued. The agency should be able to use the services of

volunteers for some of the information gathering but all of the enforcement action should be by the agency. In addition, unless an individual is extensively trained the complaints could be incorrectly prepared and therefore declared invalid. The current method in which the agency receives preliminary information from a volunteer and then the agency reviews, documents, gathers evidence and takes any enforcement action is the correct method. However, for this to work properly the agency must be given the resources to enforce the rules that it administers.

The Morse Code and its requirements for the operation of an Amateur Radio Station is an issue that has created a large amount of emotion within the Amateur Radio community. Many within the Amateur Radio community have taken to this issue like the "Holy Grail". In today's communication environment the requirement for the use of Morse Code is greatly reduced from what it was in the early days of radio, if it even existed. A number of countries around the world are questioning the rational for maintaining the Morse Code and some have called for the elimination of this requirement. The establishment of the "No Code" license in the early 1990's did not bring about the end of Amateur Radio but instead it has become the primary method of entry and one of the largest classes of license today. Until the international treaties are revised there will most likely be some form of Morse Code requirement. However, in looking at the current communications environment the current requirements should be questioned. The proposal from the ARRL for two code speeds is the

best solution available at the present time. The lower of the speeds should reflect the ability to understand basic communications, which could be accomplished at the 5 word per minute level. The 5 word per minute level should be set at the General Class since this license allows access to the HF portions of the bands. The next level should allow a "normal" communication, which would be at the 10 word per minute level.

The 10 word per minute level should be the requirement for both the Advanced and Extra license. There is no reason for any additional required speed since the higher class licenses are for additional technical knowledge. Since the idea is for communication, passing the test should be as it is now with either answering a number of multiple choice questions or one minute of correct copy. With the elimination of the Novice Class license without any reduction in the code requirements the first speed that will be required is 13 words per minute which is almost an almost impossibly large first hurdle for a large number of people.

A petition submitted by the ARRL requested changes to the procedures relating to the Morse Code examination for those individuals with a disability. In this petition the ARRL requested that the individual attempt the higher speed test and that the VEC be authorized to request medical information from the certifying doctor. Both of these requests should be rejected. These days the individual has lost a great deal of privacy and medical information can be among the more sensitive information that an individual may have. Medical information in the wrong

hands can be very damaging. Having VEC request this information brings up confidentiality issues. Also, there is the issue of whether the VEC will be able to correctly interpret any information received. One final item that must be considered is who is going to pay for the physician to provide the report or to interpret any report that is provided. Also some of the convulsive type of disorders can be triggered by repetitive type of mental activity and then the VEC could have the potential liability for causing an episode of a disorder.

The written examination procedure as it is now administered is working quite well and requires no changes. By having the national pool and the areas and number of questions from the different general areas of knowledge specified helps keep the examinations across the nation on an equal basis. The current format that is used, the question and multiple choice answer, is by far the easiest and most objective format to test and grade. Just about any other format requires some form of subjective grading. Because of the possible wide variation in the individuals administering the examination the most objective type of test is the best type. Since the questions are reviewed and updated on a regular basis the knowledge required remains current. With the general areas of knowledge specified the ability to include new areas of technology and remove old areas is already in place.

Overall the license structure as proposed by the ARRL would accomplish the reduction in the paperwork and administrative

burden by reducing the number of different classes of licenses. The ARRL proposal would not result in the reduction in operating privileges of any operator. This proposal could result in the increase of operation in the Amateur Radio Service since a number of individuals would gain enhanced privileges. The proposal would result in less overlapping in the operating privileges of the different classes of licenses.

One item that should be accomplished no matter what the final result of this rulemaking is the license issued should accurately reflect both the knowledge and operating privileges. There should be no hidden elements, as is created with "grandfathering", retaining copies of past licenses, copies of certificates etc. Since the FCC considers its database the primary authority for license information not having the current information in single source only creates confusion and uncertainty for all the individuals involved.

Respectively submitted,

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